

REMARKS/ARGUMENTS

Applicant notes that the Notice of Acceptance of Application received by applicant for the present patent application does not indicate that a copy of a Response to a Written Opinion, dated May 24, 2001 and submitted with the filing of the present application, has been entered. Accordingly, claims 13 - 22, 31 - 39 and 42 - 47 in the LISTING OF THE CLAIMS above, are presented for examination.

Independent claims 13 and 31 have been amended to more particularly define applicant's invention. Applicant respectfully submits that the amendments to claims 13 and 31 make implicit what was believed to be explicit, and, therefore, are not made for purposes related to patentability.

Claims 13-18, 20-22 and 42-45 stand rejected under 35 U.S.C. §102(b) as being anticipated by Wang et al. (GB Patent No. 2,282,096). Applicant respectfully traverses this rejection.

Claim 13, as amended, is directed to a scaffolding member formed of reinforced plastics material, wherein the scaffolding member has a gripping surface *in the form of surface roughness* on the external periphery (emphasis added).

Wang, in contrast, discloses a corrugated scaffolding tube that does not comprise surface roughness. More particularly, the outer surface 3 of Wang's corrugated scaffolding 2 is contoured with annular corrugations which form alternating ribs 4 and grooves 5 at regular intervals along the neck of tube 1 (see Wang, page 2, lines 31-35). In an alternative embodiment, the annular ribs may be replaced with a single or multi-start thread, enabling rotation of a scaffold clamp 102 (see page 3, line 10, and Fig. 2). Furthermore, as described in the specification at page 3, lines 17-21, corrugations are formed on the surface of the scaffolding tube "at regular intervals along the tube" that correspond to intervals between the regularly spaced apart ribs of the inserts on a scaffolded clamp 102.

Applicant respectfully submits that Wang et al. do not teach or suggest a scaffolding member having surface roughness. Accordingly, applicant respectfully submits that claim 13, therefore, is allowable over Wang et al.

Claims 14-18, 20-22 and 42-45 depend either directly or indirectly from claim 13 and are, therefore, allowable for the same reasons, as well as because of the combination of features in those claims with the features set forth in the claim(s) from which they depend.

Claims 13, 16 and 19 stand rejected under 35 U.S.C. §102(b) as being anticipated by Moore et al. (U.S. Patent No. 5,566,985). Applicant respectfully traverses this rejection.

The device described in Moore et al. regards a fiberglass pipe. Applicant respectfully submits that claim 13, as amended, requires a scaffolding member formed of reinforced plastics material. Applicant respectfully submits that the pipe disclosed in Moore et al. is directed to, for example, the oil, chemical and other industries where threaded connections must be adequately tightened to prevent leaks (see column 1, lines 5-11). Also, Moore et al. disclose the connection provided between the threads of the fiberglass pipe being “leak-proof” (column 3, lines 20-22).

Applicant’s invention, in contrast, is not adapted to provide a sealed connection that prevents leakage, but instead is a scaffolding member. Applicant respectfully submits that since the pipe in Moore et al. is not a scaffolding member, claim 13 is not anticipated by Moore et al.

Claims 16 and 19 depend directly or indirectly from claim 13, and are, therefore, patentable for the same reasons, as well as because of the features in those claims in combination with the features set forth in the claim(s) from which they depend.

Claim 31 stands rejected under 35 U.S.C. §102(b) as being anticipated by Michael (U.S. Patent No. 3,381,716). Applicant respectfully traverses this rejection.

Claim 31, as amended, includes, *inter alia*, a structural member “including a substrate layer of substantially uniform cross-section, at least one protrusion formed on the substrate layer by *at least one former placed on the substrate layer* and with an outer layer of structural material integrally adhered to the substrate layer” (emphasis added).

Michael, in contrast, discloses a threaded pipe having filamentous reinforcements embedded in a cured resin (see the Abstract of the Disclosure). The disclosure in Michael does not teach or suggest the use of formers placed on the substrate layer over which an outer layer of structural material is placed. Therefore, applicant respectfully submits that claim 31, as amended, is not anticipated by Michael.

Claims 32-39, 46 and 47 depend directly or indirectly from claim 31, and are, therefore, patentable for the same reasons, as well as because of the combinations of features set forth in those claims with the features set forth in the claim(s) from which they depend.

Claim 34 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Michael. Applicant respectfully traverses this rejection.

Claim 34, which depends indirectly from claim 31, recites that the substrate is formed by pultrusion. The Examiner states that forming the substrate layer by pultrusion would have been an obvious mechanical expedient. Applicant respectfully submits that, notwithstanding the process of forming the substrate layer by pultrusion, Michael does not teach or suggest protrusions formed on a substrate layer by one or more formers placed on the substrate layer. Therefore, applicant respectfully submits that, for the same reasons discussed above with respect to claim 31, Michael does not teach or suggest the elements in claim 34, and that the claim is allowable over the prior art.

Claims 18 and 44 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wang. Applicant respectfully traverses this rejection.

Claim 18 is directed to the scaffolding member, wherein two layers of an applied medium, with an intervening layer of wound reinforcements, is provided. The Examiner states that forming three layers of Wang's fiber would have been an obvious mechanical expedient by following the teachings of Wang. Applicant respectfully submits that Wang does not teach or suggest all of the elements of claim 18, which depends indirectly from claim 13. More particularly, Wang does not teach or suggest the scaffolding member having a gripping surface in the form of surface roughness. Therefore, even if it were obvious to modify the teachings of Wang to provide three layers of its fiber 52, applicant's claim 18 still would not be suggested by Wang. Accordingly, applicant respectfully submits that claim 18 is allowable over the prior art.

Claim 44 is directed to the scaffolding member, wherein the scaffolding member is "elongate and has at least one node formed to extend from the external periphery." Applicant respectfully maintains that Wang does not teach or suggest the scaffolding member of claim 13, of which claim 44 indirectly depends, nor does it teach the scaffolding member of claim 13

having at least one node formed to extend from the external periphery. Accordingly, applicant respectfully submits that claim 18 is allowable over the prior art.

Claims 18, 19, 42, 44 and 45 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wang, in view of Moore or Whittier (U.S. Patent No. 3,258,032). Applicant respectfully traverses this rejection.

The Examiner states that Wang shows the claimed member with the exception of the medium. However, the Examiner states that Moore and Whittier both show sand that is applied to mediums in order to enable a non-skid surface. Further, the Examiner states that repeating a layered sequence to enhance the structural integrity would have been obvious. Applicant respectfully disagrees.

As noted above, the outer surface 3 of Wang's corrugated scaffolding 2 is contoured with annular corrugations which form alternating ribs 4 and grooves 5 at regular intervals along the neck of tube 1 (see Wang, page 2, lines 31-35). Alternatively, the annular ribs 4 may be replaced with a single or multi-start thread, thereby "enabling rotation of a scaffold clamp 102[.]". Applicant respectfully submits that the structure disclosed in Wang, particularly with respect to the annular ribs or threads, is sufficient for coupling the tube 1 to a clamp 102. Applicant respectfully submits that there would be no motivation for one skilled in the art to modify the structure disclosed in Wang to provide the tube 1 with a sand applied medium to enable a non-skid surface. Absent such suggestion, there would be no reason why one skilled in the art, and who had no prior knowledge of the applicant's claim structure, would make the combination suggested by the Examiner. Accordingly, claims 18, 19, 42, 44 and 45 are believed to be in condition for allowance.

Claims 18, 42 and 44 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wang and either Moore or Whittier as applied above, and further in view of Bailey (U.S. Patent No. 2,870,793) or Pierpont (U.S. Patent No. 3,565,119). More particularly, the Examiner states that repeating alternating layers to enhance structural integrity of members would have been obvious at the time of the invention.

Applicant respectfully submits that the combination of references in this rejection still does not cure the deficiency described above with respect to claim 13, from which claims 18, 42

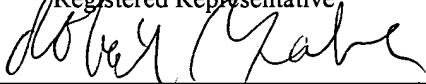
and 44 indirectly depend. Specifically, the combination of references do not teach or suggest a structural scaffolding member having a gripping surface in the form of surface roughness on the external periphery. Therefore, even if one were to combine the references as the Examiner suggests, the claimed invention would still not be taught. Accordingly, applicant respectfully submits that claim 18, 42 and 44 are allowable over the prior art.

In view of the foregoing, it is believed that remaining claims 13-22, 31-39 and 42-47 are in condition for allowance, which action is respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on April 30, 2003:

Robert C. Faber

Name of applicant, assignee or
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Signature

April 30, 2003

Date of Signature

Respectfully submitted,



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